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OFFICE OF PETITIONS

In re Application of
Carl Gustav Figdor et al.
Application No. 10/625,204
Filed: July 23, 2003
Attorney Docket No: 89 DIV-2

ON PETITION

This is a decision on the petition filed under 37 CFR 1.182, on June 10, 2005, in response to the Notice To File Corrected Application Papers mailed May 13, 2005.

A Notice To File Corrected Application Papers mailed May 13, 2005 indicated that the application had been accorded a filing date of July 23, 2003 but that Figure 8 described in the specification appeared to have been omitted.

Petitioner asserts that the paper containing Figure 8 was among the papers filed on July 23, 2003, and with the petition, submits, *inter alia*, a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, *inter alia*, that the application included fourteen (14) sheets of drawings and bears a United States Patent and Trademark Office date-stamp of July 23, 2003. However, only thirteen (13) sheets of drawing figures is of record and while the postcard did not specifically itemize the number of Figures, it is obvious that Figure 8 was on sheet 13 of 14. Additionally, the postcard receipt lacks any notation of non-receipt of any item listed. In view thereof, the petition is **GRANTED**.

The "Notice" was improperly mailed and is withdrawn.

Given the basis for granting the petition, the petition fee in the amount of \$400.00 will be credited back to deposit account no. 01-0483.

This matter is being referred to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on July 23, 2003 and the one drawing sheet containing Figure 8, submitted on petition June 10, 2005.

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faision-Ball
Senior Petitions Attorney
Office of Petitions